

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941- JC
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES

TO: The Honorable John E. Conway
Chief U.S. District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, law clerk, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving interim fees and expenses for work performed in this case from January 1, 2000 through June 30, 2000. Most of the fees and expenses have already been paid from the trust account.

I. WORK PERFORMED

A. Case management

1. Work on errors and omissions in mainstem subfiles is continuing by the parties under the supervision of the court's data manager.

2. I continued to monitor the progress of the adjudications of the three remaining sections of the Rio Chama stream system. The Office of the State Engineer sought, and received extensions of time in which to complete all the hydrographic surveys. The hydrographic survey for Section 5 (Rio Gallina and Rio Capulin) was filed January 25, 2000; the survey for the Rio Nutrias subsection of Section 3 (Rios Nutrias, Cebolla and Canjilon) was filed May 30.

B. Section 5 adjudication

I held the second planning and scheduling conference for the newly opened adjudication of Section 5 on January 27, 2000, and subsequently entered a Procedural Order March 15 (Docket No. 5890). This order includes innovative provisions which are designed to expedite the adjudication process, such as mandatory field offices at which initial disagreements between the State and the defendants are discussed and investigated. Water rights claimants have been joined and served with the adjudication documents, and by the end of September, 2000, the State will request hearings for all pending disputes.

C. Section 3 adjudication

I held a planning conference June 19, 2000, and then entered a procedural order similar to that entered in Section 5 (July 25, No. 5913). Because this section is fairly large and includes 400 to 500 individual defendants, the adjudication of this section will proceed by subsections; and the bulk of the adjudication activities will occur after work on Section 5 is completed.

D. Pending reports

While day-to-day case management of the federal cases takes the majority of my time, I continue to work on two pending special master reports - the United States' Wild and Scenic River claims, and priorities for three mainstem acequias.

E. Federal and Indian water rights claims

The adjudication of Pueblo Indian water rights claims in this stream system remains a low priority for all concerned. I entered an Order adopting procedures for the adjudication of federal, non-Indian water rights claims on May 8 (No. 5896). Pursuant to that Order, the United States of America filed three sets of water rights claims for federal agencies.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for my fee application, and that the work of data manager Judy Stoft, and Geta A. Gatterman, paralegal and administrative assistant, has been completed as described. Hourly records of work performed are available from the contractors if needed.

Dated: July 28, 2000

/electronic signature/
VICKIE L. GABIN, SPECIAL MASTER